

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

3 UNITED STATES OF AMERICA, }  
4 Government, } No. 08 CR 888  
5 vs. } Chicago, Illinois  
6 ROD BLAGOJEVICH, } June 27, 2011  
7 Defendant. } 9:19 o'clock a.m.

**VOLUME 34**  
**TRANSCRIPT OF PROCEEDINGS**  
**BEFORE THE HONORABLE JAMES B. ZAGEL**  
**AND A JURY**

For the Government:

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1 (The following proceedings were had out of the  
2 presence of the jury in open court:)

3 THE CLERK: 2008 CR 888, United States versus  
4 Blagojevich.

:18AM

5 MR. SCHAR: Good morning, Judge.

6 Reid Schar, Chris Niewoehner and Carrie  
7 Hamilton on behalf of the United States.

8 MR. GOLDSTEIN: Good morning, Your Honor.

9 Aaron Goldstein, Sheldon Sorosky and Elliott  
10 Riebman on behalf of Rod Blagojevich.

:19AM

11 THE COURT: The jury has sent a note. I  
12 think ordinarily I would not read the note as a  
13 whole, but it's my belief that we are at a period of  
14 time where it's unlikely to expose jurors the  
15 contents of this, the note is as follows:

:19AM

16 The jury has come to a unanimous decision  
17 on 18 of the 20 counts. After much  
18 deliberation, we have not been able to  
19 come to a unanimous decision on two of the  
20 counts. We are confident we will not be  
21 able to come to an agreement on these two  
22 counts even with further deliberations."

23 The views of counsel. We'll begin with the  
24 prosecution.

:20AM

25 MR. SCHAR: Judge, it's our view that

1 obviously they deliberated, they've been able to  
2 reach a consensus on 18 of the 20 counts, which  
3 means they've a good-faith effort, from the  
4 government's perspective, they indicate that they're  
:20AM 5 not going to be able to resolve two. This is not, I  
6 suppose, a surprising note for a Monday in the sense  
7 that they may have given it the weekend to try to  
8 come back and come to a resolution this morning,  
9 they weren't able to do that, it's the government's  
:20AM 10 view that we should take the verdict of the 18  
11 counts.

12 (Brief pause).

13 MR. GOLDSTEIN: We have no objection to that,  
14 Your Honor.

15 THE COURT: Good.

16 I will make some arrangements with the jury.  
17 The practice with this trial, as it was with the  
18 first trial is, there will be at least a two-hour  
19 interval before the verdict is actually returned,  
:21AM 20 this is for two purposes: One, to allow court  
21 security to make necessary arrangements for securing  
22 the availability of everybody who ought to be here.  
23 I also, as a matter of course, notify the alternates  
24 who did not sit and give them a period of time to  
25 try to come here and see and actually witness the

1 verdict. As you may recall from the first trial,  
2 most of them came. So that basically is what we're  
3 going to do.

4 I will call you when I have a set time, and  
5 that's basically that.

6 :21AM MR. SOROSKY: Could we suggest a time of 1:30  
7 or 2:00 o'clock?

8 :22AM THE COURT: Actually, I think it'll be  
9 sometime between 1:00 and 2:00, and the only reason  
10 I'm saying this is at least you know that it's not  
11 going to be any earlier than 1:00.

12 That being the case, thank you, counsel.

13 :22AM MR. SCHAR: Judge, the note that will go  
14 back, will it just simply say return the verdict on  
15 the 18? There will be some communication, I assume,  
16 with the jury to indicate that they can return the  
17 verdict that they have.

18 THE COURT: Your guess is quite accurate.

19 MR. SCHAR: Thank you, Judge.

20 :22AM THE COURT: Thanks.

21 (Recess.)

22

23

24

25

3 UNITED STATES OF AMERICA, }  
4 Government, } No. 08 CR 888  
5 vs. } Chicago, Illinois  
6 ROD BLAGOJEVICH, } June 27, 2011  
7 Defendant. } 1:07 o'clock p.m.

VOLUME 34  
TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE JAMES B. ZAGEL  
AND A JURY - VERDICT

11 For the Government:

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Verdict

5658

1

2 JURY VERDICT

3

4 (The following proceedings were had out of  
5 the presence of the jury in open court:)

6 THE MARSHAL: All rise.

7 (The following proceedings were had in the  
8 presence of the jury in open court:)

9 THE COURT: Please be seated.

10 Does the foreperson have a verdict?

11 THE FOREPERSON: Yes, Your Honor.

12 THE COURT: If you would hand it to the  
13 marshal, please.

14 (Brief pause).

15 THE COURT: Mr. Walker, read the verdict,  
16 please.

17 THE CLERK: 2008 CR 888, United States versus  
18 Rod Blagojevich, verdict form.

19 "... with respect to Count 1 of the  
20 indictment, charged with wire fraud, we,  
21 the jury, find defendant Rod Blagojevich  
22 guilty.

23 with respect to Count 2 of the indictment,  
24 charged with wire fraud, we, the jury,  
25 find the defendant guilty.

:07PM

:07PM

:08PM

:08PM

:09PM

Verdict

5659

1 with respect to Count 3 of the indictment  
2 charged with wire fraud, we, the jury,  
3 find the defendant guilty.

4 with respect to Count 4 of the indictment  
5 in which defendant is charged with wire  
6 fraud, we, the jury, find the defendant  
7 guilty.

8 with respect to Count 5 of the indictment  
9 in which the defendant is charged with  
10 wire fraud, we, the jury, find the  
11 defendant guilty.

12 with respect to Count 6 of the indictment  
13 in which the defendant is charged with  
14 wire fraud, we, the jury, find the  
15 defendant guilty.

16 with respect to Count 7 of the indictment  
17 in which the defendant is charged with  
18 wire fraud, we, the jury, find the  
19 defendant guilty.

20 with respect to Count 8 of the indictment  
21 in which the defendant is charged with  
22 wire fraud, we, the jury, find the  
23 defendant guilty.

24 with respect to Count 9 of the indictment  
25 in which the defendant is charged with

:09PM

:09PM

:09PM

:09PM

:10PM

Verdict

5660

1       wire fraud, we, the jury, find the  
2       defendant guilty.

3       with respect to Count 10 of the indictment  
4       in which the defendant is charged with  
5       wire fraud, we, the jury, find the  
6       defendant guilty.

7       with respect to Count 11 of the indictment  
8       in which the defendant is charged with  
9       attempted extortion, we, the jury, find  
10      the defendant guilty."

11      -- I'm sorry, there's no verdict on that  
12      count.

13      "with respect to Count 12 of the indictment  
14      in which the defendant is charged with  
15      attempted extortion, we, the jury, find  
16      the defendant guilty.

17      with respect to Count 13 of the indictment  
18      in which the defendant is charged with  
19      solicitation of bribes, we, the jury, find  
20      the defendant guilty.

21      with respect to Count 14 of the indictment  
22      in which the defendant is charged with  
23      conspiracy to commit extortion, we, the  
24      jury, find the defendant guilty.

25      with respect to Count 15 of the indictment

:10PM

:10PM

:10PM

:10PM

:10PM

Verdict

5661

1       in which the defendant is charged with  
2       conspiracy to solicit and accept bribes,  
3       we, the jury, find the defendant guilty.  
4       with respect to Count 17 of the indictment  
5       in which the defendant is charged with  
6       soliciting bribes, we, the jury, find the  
7       defendant not guilty.

8       with respect to Count 18 of the indictment  
9       in which the defendant is charged with  
10       conspiracy to commit extortion we, the  
11       jury, find the defendant guilty.

12       with respect to Count 19 of the indictment  
13       in which the defendant is charged with  
14       attempted extortion, we, the jury, find  
15       the defendant guilty.

16       with respect to Count 20 of the indictment  
17       in which the defendant is charged with  
18       conspiracy to solicit and accept bribes  
19       we, the jury, find the defendant guilty.  
20       (Brief pause).

21           THE CLERK: with respect to Count 11 of the  
22       indictment in which the defendant is charged with  
23       attempted extortion there is no verdict.

24           with respect to Count 16 of the indictment in  
25       which the defendant is charged with attempted

:11PM

:11PM

:11PM

:11PM

:12PM

Verdict

5662

1 extortion, there is not a verdict.

2 THE COURT: Anyone wish to have the jury  
3 polled?

4 MR. SOROSKY: Yes, Your Honor.

:13PM

5 THE COURT: You do.

6 Mr. Walker.

7 THE CLERK: As I call your juror number,  
8 would you please stand and answer the following  
9 question:

:13PM

10 Juror 103, was this your verdict when you  
11 signed it and is it now your verdict?

12 JUROR 103: Yes.

13 THE CLERK: Thank you.

:13PM

14 Juror 120, was this your verdict when you  
15 signed it and is it now your verdict?

16 JUROR 120: Yes.

17 THE CLERK: Thank you.

18 Juror 124, was this your verdict when you  
19 signed it and is it now your verdict?

:13PM

20 JUROR 124: Yes.

21 THE CLERK: Thank you.

22 Juror 131, was this your verdict when you  
23 signed it and is it now your verdict?

24 JUROR 131: Yes.

:13PM

25 THE CLERK: Thank you.

Verdict

5663

1                   Juror 136, was this your verdict when you  
2 signed it and is it now your verdict?

3                   JUROR 136: Yes.

4                   THE CLERK: Thank you.

:13PM

5                   Juror 140, was this your verdict when you  
6 signed it and is it now your verdict?

7                   JUROR 140: Yes.

8                   THE CLERK: Thank you.

:13PM

9                   Juror 142, was this your verdict when you  
10 signed it and is it now your verdict?

11                  JUROR 142: Yes.

12                  THE CLERK: Juror 146, was this your verdict  
13 when you signed it and is it now your verdict?

14                  JUROR 146: Yes.

:14PM

15                  THE CLERK: Thank you.

16                  Juror 149, was this your verdict when you  
17 signed it and is it now your verdict?

18                  JUROR 149: Yes.

19                  THE CLERK: Thank you.

:14PM

20                  Juror 174, was this your verdict when you  
21 signed it and is it now your verdict?

22                  JUROR 174: Yes.

23                  THE CLERK: Thank you.

:14PM

24                  Juror 179, was this your verdict when you  
25 signed it and is it now your verdict?

Verdict

5664

1 JUROR 179: Yes.

2 THE CLERK: Thank you.

3 And juror 181, was this your verdict when you  
4 signed it and is it now your verdict?

:14PM

5 JUROR 181: Yes.

6 THE CLERK: And so say the jury, this is your  
7 consolidated verdict?

8 JUROR 103: Yes.

9 JUROR 120: Yes.

:13PM

10 JUROR 124: Yes.

11 JUROR 131: Yes.

12 JUROR 136: Yes.

13 JUROR 140: Yes.

14 JUROR 142: Yes.

:14PM

15 JUROR 146: Yes.

16 JUROR 149: Yes.

17 JUROR 174: Yes.

18 JUROR 179: Yes.

19 JUROR 181: Yes.

:14PM

20 THE CLERK: Thank you, ladies and gentlemen.

21 THE COURT: Any further proceedings desired  
22 by any of the parties with respect to this?

23 MR. SCHAR: No, Judge.

24 THE COURT: For the defense?

:14PM

25 MR. SOROSKY: We would ask for a finding of

Verdict

5665

1 not guilty on the charges where the jurors could not  
2 reach a verdict.

3 THE COURT: You can deal with that  
4 afterwards.

:15PM

5 Do you have anything that requires the  
6 presence of the jury?

7 MR. SOROSKY: No.

:15PM

8 THE COURT: Members of the jury, I want to  
9 thank you very much for your service here. I  
10 thought you were diligent both during the trial, to  
11 the extent I can judge during deliberations  
12 themselves.

:15PM

13 I will be excusing you from jury service  
14 shortly, but before I do so there's some things I  
15 have to inform you about. So what I would like you  
16 to do is go back to the jury room and I will be in  
17 there shortly to speak with you.

18 THE MARSHAL: All rise.

:16PM

19 (The following proceedings were had out of  
20 the presence of the jury in open court:)

21 THE COURT: Be seated in the courtroom.  
22 Counsel, approach the lectern.

23 (Brief pause)

:16PM

24 THE COURT: I will expect with respect to  
25 Counts 11 and 16 the government will communicate its

Verdict

5666

1 desires to me, but I'm not requiring that now.

2 with respect to post-trial motions, unless I  
3 grant you extra time now, you have fourteen days.

4 Do you want more than fourteen days?

:16PM

5 MS. KAESEBERG: Yes.

6 MR. SOROSKY: Could we have to, say, ninety  
7 days? How about --

:17PM

8 THE COURT: I'm not inclined to give you  
9 ninety days, and the reason I'm not inclined to give  
10 you ninety days is virtually everything that I  
11 believe will be in a motion for a new trial or a  
12 motion for acquittal has already been included in  
13 one form or another in a fairly large volume of  
14 mistrial motions. So I don't think you have an  
15 issue with that. I'll give you twenty-eight days.

:17PM

16 MR. SOROSKY: Would the Court consider even  
17 up to Labor Day or just --

18 THE COURT: Twenty-eight days.

:17PM

19 THE CLERK: That date is July 25th.

20 THE COURT: The government will have  
21 twenty-one days to respond.

22 THE CLERK: August 15th.

23 THE COURT: Defendant will have fourteen days  
24 to reply.

:17PM

25 THE CLERK: That's August 29th.

Verdict

5667

1                   THE COURT: The issue that arises now is  
2 whether I refer this to the Probation Office. I  
3 would like to get that process started, and the  
4 reason I would like to get that process started has  
:18PM  
5 to do with the one count that was found upon in the  
6 first trial, the charge which was undefended in the  
7 defendant's closing argument. So possibly what I  
8 want to do is I want to set a status for  
9 thirty-five days from today.

:18PM  
10                   which is, Mr. Walker?

11                   THE CLERK: August 1st.

12                   THE COURT: And I'll have a little better  
13 idea of whether it's appropriate to order a  
14 Presentence Investigation Report before the  
:19PM  
15 post-trial motions are finished because I will have  
16 seen the defense post-trial motion which will be a  
17 factor in my decision with respect to that.

18                   With that, anybody else want to bring  
19 anything up?

:19PM  
20                   MR. SCHAR: Judge, there are a couple of  
21 different things we would like to raise with Your  
22 Honor. First of all, there's still a forfeiture  
23 allegation. We would move to dismiss that  
24 allegation at this point as opposed to proceeding  
25 with it, that's issue one.

Verdict

5668

1           Issue two, there have been some requests  
2 about the version of the charges that went back to  
3 the jurors, we'd like permission to go ahead and  
4 file that, if we could.

:19PM

5           THE COURT: You can file it, but for clarity,  
6 at least with respect to the public, I believe  
7 Mr. Walker has asked your office to prepare a chart  
8 which shows how the numbers in that document  
9 correspond with the numbers in the original.

:19PM

10          MR. SCHAR: And maybe we'll just provide that  
11 chart as opposed to --

12          THE COURT: I think that's probably the best  
13 way to do it.

:20PM

14          MR. SCHAR: Okay. Obviously there is issues  
15 related, there are some sealed filings and there's a  
16 motion that's up tomorrow --

:20PM

17          THE COURT: No, that's going to be mooted  
18 because the files that were sealed, including two  
19 that weren't asked for, are going to be unsealed  
20 before the end of this court day.

21          MR. SCHAR: So do we not need to appear  
22 tomorrow, then?

23          THE COURT: What?

24          MR. SCHAR: We do not need to appear  
25 tomorrow?

Verdict

5669

1                   THE COURT: You do not need to appear  
2 tomorrow. And we will call counsel for the movement  
3 and inform counsel for the movement that those  
4 documents are entirely unsealed.

:20PM

5                   MR. SCHAR: Judge, the last issue, from the  
6 government's perspective, is the issue of bond. The  
7 defendant has been out on a completely unsecured  
8 bond without any travel restrictions up until this  
9 point. And obviously the circumstances, given the  
10 verdict that was just read here, have changed  
11 significantly in terms of not only the amount to  
12 have time he's facing but the seriousness of the  
13 crimes for which he has now been convicted.

:20PM

14                  In addition to that, via the projection,  
15 obviously his testimony, Judge, there is an inherent  
16 finding that, at least from the government's  
17 perspective, that he obstructed justice on the  
18 stand, and, on top of that, if we point out to Your  
19 Honor, as he continues to do, he continues to  
20 repeatedly mislead the public and undermine these  
21 judicial proceedings by statements that he has made  
22 of obvious baseless statements you made to him, Your  
23 Honor, which he knows are not true when he goes out  
24 to the public and says them I expect will continue.

:21PM

25                  We're not asking for detention at this point,

:21PM

Verdict

5670

1 but, obviously, Judge, the situation at the time of  
2 sentencing may change, but we are asking that now  
3 that we've dismissed the forfeiture allegations,  
4 that he secure his bond with the properties that  
5 were at issue there, and we're asking for any travel  
6 restrictions to the Northern District of Illinois.  
7 And on top of that, and I don't know if it changes  
8 Your Honor's view in terms of the Presentence  
9 Report, but we would like a sentencing date as  
10 quickly as we can get one and certainly without  
11 delay to resolve the end of this case.

12 THE COURT: With respect to your second  
13 request, based on the schedule I've set, I'm  
14 inclined to honor it, but I think in fairness to the  
15 defendant I should look at his motion for new trial  
16 before I do that. And if I am satisfied that there  
17 is at least a substantial chance that he will be  
18 sentenced on at least one count, and I suspect maybe  
19 more than one count, I will order the Presentence  
20 Investigation at that time. And the Presentence  
21 Investigation can be excited largely because a lot  
22 of the information the probation officer would  
23 ordinarily secure by interviewing and checking  
24 records is a matter of public record. So a lot of  
25 the background stuff won't be too difficult to do,

:21PM

:22PM

:22PM

:22PM

Verdict

5671

1 so I think a short date will work for them as well.

2 That being said, the bond, release order  
3 issue, you want to speak to that one for the  
4 defense?

:23PM

5 MR. SOROSKY: I just don't understand  
6 what -- is it the government's request to have the  
7 home put up as additional security, is that what, in  
8 effect, he's saying in street talk?

:23PM

9 THE COURT: I think what the government wants  
10 is everything that is named in the forfeiture to be  
11 put up to the extent he has any interest at all. It  
12 may very well be that he's profoundly indebted with  
13 respect to this stuff, but still, they're entitled  
14 to have that done. And I will order that done  
15 within the next seven days, if it's legally  
16 possible, I think it is.

:23PM

17 with respect to the travel restriction, I'm  
18 imposing the travel restriction for fourteen days --  
19 actually, I'm imposing the travel restriction,  
20 period. He may not travel outside the Northern  
21 District of Illinois without permission of the  
22 Court, and this does not mean that I would never  
23 grant permission, I may, under certain  
24 circumstances, do so, but for now that restriction  
25 applies.

:24PM

Verdict

5672

1           And you can report back to me, one attorney  
2 perhaps from each side rather than many, in  
3 seven-day's time and tell me if the security aspect  
4 of the case is resolved.

:24PM

5           MR. SOROSKY: We'll talk with the government  
6 and try to resolve it.

7           THE COURT: And I think you will.

8           Anything further:

:25PM

9           MS. KAESEBERG: I believe you never ruled on  
10 our motion for judgment of acquittal, so we renew  
11 that notwithstanding the verdict.

:25PM

12           THE COURT: I think you should incorporate  
13 all of that in your motion for a new trial, since  
14 there's actually no purpose being served by it at  
15 this stage. So what I'm going to do is I'm denying  
16 the motion for judgment of acquittal as moot and you  
17 can raise the same things in the motion for a new  
18 trial or for a judgment of acquittal in connection  
19 with the motion for new trial.

:25PM

20           Are we done?

21           MR. SCHAR: I believe we are, Judge.

22

23

24

:25PM

25

Verdict

5673

1 THE COURT: Thank you, counsel.

2 THE CLERK: All rise.

3

4

5 (which concluded the proceedings had on  
6 this date in the above entitled cause.)

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Verdict

5674

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2 \* \* \* \* \*

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4

5 I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT  
6 FROM THE RECORD OF PROCEEDINGS IN THE ABOVE-ENTITLED  
7 MATTER

8

9

10 /s/Blanca I. Lara

date

11

12

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15

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16 Blanca I. Lara

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17 Date

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